

TMH/KMM:jam 02/03/06 480082 EP03-008C-US  
PATENT

Attorney Reference Number 6616-72626-01  
Application Number 10/633,279

### REMARKS

Claims 1-26 were pending in this application. Claims 1-2, 6-8, and 11 have been amended as described herein below. Support for these amendments can be found in the specification, for instance as is described below.

The specification has been amended to correct obvious typographical errors. Paragraphs 8, 10, 11, 14, 19, 20, 26, 31, 45 and 61 have been amended and replaced with corrected versions.

After entry of this amendment, **claims 1-26 are pending in this application**. No new matter has been added by this amendment. Entry of these amendments is respectfully requested.

#### Election in Response to Restriction Requirement

Claims 1-26 were subject to a restriction requirement. Applicants hereby elect **Group I** (claims 1-15, 17-22 and 26) directed to an isolated nucleic acid molecule, a plant expression vector, and a transgenic plant cell and plant. Applicants further elect SEQ ID NO:1.

The claims have been amended for clarification. The original claims required the promoter sequence to include both SEQ ID NO:7 and SEQ ID NO:8 (or variants thereof) or both SEQ ID NO:10 and SEQ ID NO:11 (or variants thereof), making an election of one sequence difficult, and contrary to the nature of the claim. SEQ ID NOs:7 and 10 are sequences conferring seed specificity, and SEQ ID NOs:8 and 11 are core promoter sequences. These sequences are all fragments of SEQ ID NO:1 or its reverse complement, SEQ ID NO:6, and are all encompassed in various aspects of the same invention. Therefore, the claims are hereby amended so that all of the specific sequences are described with reference to the corresponding nucleotides in SEQ ID NO:1. For reference, Applicants point out that the numbering of the specific nucleotide sequences now included in the amended claim is based on Fig. 1A and Fig. 1B and the underlined regions found therein.

Thus, support for the recitation of these specific nucleotide positions may be found throughout the specification, for example in Fig. 1A and Fig. 1B, as well as in the description of

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the figure on pages 3-4, and the description of the various sequence fragments, in paragraphs 19-22 on pages 6-7 and in paragraph 53 on page 17.

Request to Recombine Process Claims

Applicants have elected claims directed to products; one or more process claims are included in the case that depend from or otherwise include all the limitations of an elected product claim. These process claims are currently assigned to an Examiner's Group different from the Group to which the products are assigned. In accord with the comments on page 4 of the current Office action, Applicants expressly request that the process claims be rejoined and the claims examined, at the latest upon the allowance of any of the product claims. It is believed that this is in accordance with the provisions of MPEP §821.04 as well as current Patent and Trademark Office Guidelines for Restriction Requirements in TC1600.

**CONCLUSION**

Substantive examination of the pending claims is respectfully requested. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview would facilitate substantive examination of this application.

Respectfully submitted,

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